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EXAMINER

DARROW, JUSTIN T

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 09/26/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

2

## Office Action Summary

Application No.

09/870,801

Applicant(s)

GINTER ET AL.

Examiner

Justin T. Darrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 91-128 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 91-128 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. Claims 1-128 have been presented for examination. Claims 1-90 have been canceled and new claims 91-128 have been added. Claims 91-128 have been examined.

#### ***Priority***

2. Acknowledgment is made that the instant application is a continuation of Application No. 09/342,899, filed 06/29/1999, which is a continuation of Application No. 08/780,545, filed 01/08/1997, now U.S. Patent 5,917,912 A, which is a division of Application No. 08/388,107, filed 02/13/1995, now abandoned.

#### ***Information Disclosure Statement***

3. The information disclosure statement filed 06/03/2003, Paper No. 5, is not available to the examiner. Applicant is requested to re-submit a copy of this information disclosure statement, Form 1449. Applicant is advised that the date of the re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of the original submission in compliance with 37 CFR 1.97(b)(1). See MPEP § 609.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 91-95 and claims 121-127 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The description of a public portion and a private portion is not supported in the specification (see page 34, line 7 - page 35, line 27).

6. Claims 91-95 and claims 121-127 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The enablement of a public portion and a private portion is not supported in the specification (see page 34, line 7 - page 35, line 27).

7. Claims 103 and 104 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The description of a public tag and a private tag are not supported in the specification (see page 34, line 7 - page 35, line 27).

8. Claims 103 and 104 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains,

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or with which it is most nearly connected, to make and/or use the invention. The enablement of a public tag and a private tag are not supported in the specification (see page 34, line 7 - page 35, line 27).

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 93 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 93 recites the limitation "the type of computer" in line 2. There is insufficient antecedent basis for this limitation in the claim. This rejection can be overcome by deleting "computer" in claim 93, line 2 and replacing with --hardware--.

11. Claim 97 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 97 contains the trademark/trade name "Microsoft Windows<sup>®</sup>". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the

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trademark or trade name. In the present case, the trademark/trade name is used to identify/describe the operating system and, accordingly, the identification/description is indefinite.

12. Claim 103 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 103 recites the limitation "the public tag" in line 3. There is insufficient antecedent basis for this limitation in the claim. This rejection can be overcome by deleting the first "the" in claim 1033, line 3 and replacing with --a--.

13. Claim 123 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 123 recites the limitation "the type of computer" in line 2. There is insufficient antecedent basis for this limitation in the claim. This rejection can be overcome by deleting "computer" in claim 123, line 2 and replacing with --hardware--.

14. Claim 128 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 128 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: distinct hardware elements of which a computer processing system is comprised.

***Claim Rejections - 35 USC § 101***

15. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 91-95 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 91-95 are drawn to a load module comprising a load module header, a load module body including executable programming and a reference to data. These elements are disembodied data structures involving no more than functional and nonfunctional descriptive material and therefore, are nonstatutory under 35 U.S.C. 101. See *In re Warmerdam*, 33 F.3d 1354; 31 USPQ2d 1754. See MPEP § 2106 IV. B. 1 (a)-(b). See <http://www.uspto.gov/web/menu/pbmethod/> (35 U.S.C. 101 Training Materials).

Claims 96-120 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 91-95 are drawn to an operating system comprising validation programming and communications programming. These elements are disembodied data structures involving no more than functional descriptive material and therefore, are nonstatutory under 35 U.S.C. 101. See *In re Warmerdam*, 33 F.3d 1354; 31 USPQ2d 1754. See MPEP § 2106 IV. B. 1 (a). See <http://www.uspto.gov/web/menu/pbmethod/> (35 U.S.C. 101 Training Materials).

Claims 121-125; 126; and 127 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter. Claims 121-125; 126; and 127 are respectively drawn to a component assemblies comprising a first and second load module each comprising a load module header and a load module body including executable programming and a reference to data. These elements are disembodied data structures involving no more than

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functional and nonfunctional descriptive material and therefore, are nonstatutory under 35

U.S.C. 101. See *In re Warmerdam*, 33 F.3d 1354; 31 USPQ2d 1754. See MPEP § 2106 IV. B. 1

(a)-(b). See <http://www.uspto.gov/web/menu/pbmethod/> (35 U.S.C. 101 Training Materials).

***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

17. Claims 91-96, 98-107, and 111-128 are rejected under 35 U.S.C. 102(e) as being anticipated by Stefik, U.S. Patent No. 5,715,403 A.

As per claim 91, Stefik discloses a load module comprising:

a load module header including a public portion and a private portion (see column 18, lines 25-26; figure 14; the basic contents of a right including a transactional component and specification component);

the public portion including identification information and information describing at least one aspect of a hardware or software platform on which the load module is designed to execute (see column 18, lines 25-34; figure 14, items 1450 and 1451; a label (e.g. COPY or PRINT) which indicates the use of the item with an indication of software corresponding to that

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use and hardware to implement that use; see column 19, lines 47-58; figure 15, item 1504;

Grammar element “Render-Code: = [Play:{Player:Player-ID}[Print:{Printer:Printer-ID}]]”;

the private portion including at least one correlation tag including information used to determine whether a method has authorization to call or load the load module (see column 18, lines 35-42; figure 14, items 1452, 1453, 1454, 1455, 1456, and 1457; specifications components are used to specify conditions which must be satisfied prior to the right being exercised; see column 18, lines 1-5; where the usage rights statements are not readily readable, but must be interpreted by repositories to determine what transactions can be successfully carried out for a digital work); and

a load module body, including;

executable programming specifying that the information relating to a use of the load module be communicated to a remote site (see column 29, lines 60-61 and column 30, lines 23-26; an End-charges transaction to end a charge for metered use involves a repository send periodic charge information to a credit server for each block of time); and

a reference to data, at least some of the data being associated with or used by the executable programming (see column 30, lines 10-22; a Begin-charges transaction containing usage fee information and a list of charges from parts of the digital work).

As per claim 92, Stefik further specifies:

a level or degree of security present or available on the platform (see column 15, line 55 – column 16, line 39; TABLE 2; REPOSITORY SECURITY LEVELS).

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As per claim 93, Stefik additionally points out:

the type of hardware (see column 19, lines 47-58; figure 15, item 1504; Grammar element “Render-Code: = [Play:{Player:Player-ID}[Print:{Printer:Printer-ID}]” indicating the device that would execute the play and/or print application).

As per claim 94, Stefik next mentions:

the type of software running on the platform (see column 19, lines 47-58; figure 15, item 1504; Grammar element “Render-Code: = [Play:{Player:Player-ID}[Print:{Printer:Printer-ID}]” indicating the code required for the play and/or print application).

As per claim 95, Stefik moreover admits:

one or more computer languages recognized by the platform (see column 3, lines 52-61; where the hardware platform can accommodate different software that is metered during usage).

As per claim 96, Stefik illustrates an operating system comprising:

a component assembling program which assembles a plurality of elements into a component (see column 30, lines 38-62; processing a usage request to print or view one or multiple digital works under particular conditions), including;

(a) validation programming used to validate the elements (see column 31, lines 1-6; it is necessary to verify that the requirements are met for ALL of the parts that are involved in a transaction including checking for each of the relevant parts of the work), including:

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(1) tag checking programming used to check the identity and validity of elements by comparing tags incorporated in the elements to expected values (see column 31, lines 32-37; figure 18, step 1806; comparing the time specification of the work with the current time; see column 31, lines 49-53; figure 18, step 1808; checking if the copy count equals zero; see column 31, lines 54-57; figure 18, step 1809; checking the copies in use for the requested right is greater than or equal to any copy count for the requested right); and

(2) element identification and referencing programming (see column 32, lines 61-64; figure 18, step 1810; referencing the digital work in use by incrementing the number of copies in use by the number of digital); and

(b) communications programming used to communicate at least one result of the tag comparison to a remote site (see column 32, lines 39-45; figure 18, steps 1818 and 1819; when the use is authorized by conditions satisfied above, and there is a metered usage fee specification, there is an End-Charge financial transaction to confirm billing with a credit server); and

an object switch which controls and communicates objects (see column 31, lines 32-57; figure 18, steps 1805, 1806, 1808, and 1809; the server controls the rights associated with the digital work in accordance with different conditions being satisfied), including:

one or more stream interfaces (see column 7, lines 62-67; figure 2, items 201, 205, and 203; communication between repositories concerning access to digital works utilizing a repository transaction protocol); and

a container manager to manage secure containers (see column 7, lines 59-62; figure 2, item 201; when in server mode, the repository is an exchange medium for digital works; see

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column 8, lines 43-50; figure 4a, items 401, 402, and 403; including a boundary at a security level to provide physical integrity and security for the digital work).

As per claim 98, Stefik further elaborates:

that the operating system runs in a processing environment (see column 30, lines 39-40; in which a usage request is processed); and

the operating system includes at least one added component delivered at some point after the initial installation of the operating system at the processing environment (see column 30, lines 40-49; a request for the digital work received at the server).

As per claim 99, Stefik additionally points out:

that the added component provides scalability to the operating system (see column 30, lines 59-62; the request can be for a folder comprised of a plurality of digital works; see column 31, lines 32-57; figure 18, steps 1805, 1806, 1808, and 1809; requiring authorization for a plurality of rights).

As per claim 100, Stefik then describes:

that the added component comprises a component assembly made up of a plurality of elements (see column 30, lines 59-62; the request can be for a folder comprised of a plurality of digital works).

As per claim 101, Stefik also mentions:

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a channel definition programming which sets up and initializes channels in which component assemblies are assembled (see column 32, lines 29-30; figure 18, steps 1806-1815; there may be a particular order in which the conditions are evaluated for the rights).

As per claim 102, Stefik then embodies:

programming which checks the components for information regarding the manner in which they are designed to be assembled into a component assembly, such that they are assembled in a manner specified by the information (see column 31, lines 54-64; figure 18, steps 1809 and 1810; processing the request for copies in use such that the maximum of allowed copies is not exceeded).

As per claim 103, Stefik moreover discusses:

comparison programming which compares the contents of a public tag associated with the element with the contents of a private tag associated with the element (see column 31, lines 54-57; figure 18, step 1809; checking the copies in use for the requested right is greater than or equal to any copy count for the requested right; see column 16, lines 7-8; Level Description of Security (stored files are encrypted, communications not necessarily encrypted); where the request for access for the digital work is unencrypted (public), but the authorized maximum number of copies in use is encrypted (private)).

As per claim 104, Stefik then suggests:

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decrypting the private tag prior to the comparison (see column 31, lines 54-57; figure 18, step 1809; checking the copies in use for the requested right is greater than or equal to any copy count for the requested right; see column 16, lines 7-8; Level Description of Security (stored files are encrypted, communications not necessarily encrypted); where the request for access for the digital work is unencrypted (public), but the authorized maximum number of copies in use is encrypted (private) and decrypted before comparison).

As per claim 105, Stefik also specifies:

comparison programming which compares the contents of a tag associated with an element with the contents of a tag associated with a process requesting the element (see column 31, lines 54-57; figure 18, step 1809; checking the copies in use for the requested right is greater than or equal to any copy count for the requested right).

As per claim 106, Stefik next describes:

decrypting the tag associated with the element prior to the comparison (see column 31, lines 54-57; figure 18, step 1809; checking the copies in use for the requested right is greater than or equal to any copy count for the requested right; see column 16, lines 7-8; Level Description of Security (stored files are encrypted, communications not necessarily encrypted); where the request for access for the digital work is unencrypted (public), but the authorized maximum number of copies in use is encrypted (private) and decrypted before comparison).

As per claim 107, Stefik additionally states:

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comparison programming which compares the contents of a tag associated with an element with the contents of a tag stored in a secure processing unit (see column 31, lines 54-57; figure 18, step 1809; checking the copies in use for the requested right is greater than or equal to any copy count for the requested right; see column 7, lines 59-62; figure 2, item 201; when in server mode, the repository is an exchange medium for digital works; see column 8, lines 43-50; figure 4a, items 401, 402, and 403; including a boundary at a security level to provide physical integrity and security for the digital work and its attached rights).

As per claim 111, Stefik further specifies:

an object repository manager (see column 8, lines 10-14; figure 2, item 203; a rendering repository coupled to a rendering device to output the digital work).

As per claim 112, Stefik then points out:

that the object repository manager provides services relating to access to an object repository (see column 8, lines 10-14; figure 3, item 203; a rendering repository is coupled to a rendering device (e.g. a printer device) to comprise a rendering system).

As per claim 113, Stefik moreover describes:

certificate programming which checks digital certificates associated with the elements (see column 28, lines 8-19; figure 16, step 1605; checking an identification certificate by decrypting it with a public key).

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As per claim 114, Stefik next embodies:

comparing an expiration data on at least some of the digital certificates with the current date (see column 28, lines 17-19; removing repositories from the hot list when their certificates expire).

As per claim 115, Stefik also notes:

extracting one or more keys from at least one of the digital certificates (see column 27, lines 59-62; identification certificate contains a public key for the repository) and using the one or more keys to decrypt information associated with the digital certificate from which the one or more keys was extracted (see column 28, lines 8-11; figure 16, step 1607; extracting a repository identifier by decrypting it from the digital certificate with the public key for the repository).

As per claim 116, Stefik then describes:

a stream router which includes programming which routes streams to and from the stream interfaces (see column 17, lines 28-31; credit server periodically communicates with the billing clearinghouse).

As per claim 117, Stefik additionally points out:

a stream interface including at least one real time stream interface (see column 17, lines 33-35; the credit server acts as a “debit card” where transactions occur in “real-time” against a user account).

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As per claim 118, Stefik next specifies:

the real time stream interface accepting and routing real time data stream information (see column 17, lines 33-35; the credit server acts as a “debit card” where transactions occur in both directions in “real-time” against a user account).

As per claim 119, Stefik moreover illustrates:

the channels serve to pass events to methods and load modules specified to process the events (see column 8, lines 64-67; figure 4a, items 404 and 402; the repository is coupled to the printer repository to pass works to be printed).

As per claim 120, Stefik further suggests:

using a blueprint in the component assembly process (see column 32, lines 29-30; figure 18, steps 1806-1815; there is an arbitrary order in which the conditions are checked).

As per claim 121, Stefik discloses a load module comprising:

a first load module and a second load module (see column 34, lines 39-67; one for a copy transaction; see column 37, lines 1-40; the other for a print transaction), each load module comprising:

a load module header including a public portion and a private portion (see column 18, lines 25-26; figure 14; the basic contents of a right including a transactional component and specification component);

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the public portion including identification information and information describing at least one aspect of a hardware or software platform on which the load module is designed to execute (see column 18, lines 25-34; figure 14, items 1450 and 1451; a label (e.g. COPY or PRINT) which indicates the use of the item with an indication of software corresponding to that use and hardware to implement that use; see column 19, lines 47-58; figure 15, item 1504; Grammar element "Render-Code: = [Play:{Player:Player-ID} or [Print:{Printer:Printer-ID}]]");

the private portion including at least one correlation tag including information used to determine whether a method has authorization to call or load the load module (see column 18, lines 35-42; figure 14, items 1452, 1453, 1454, 1455, 1456, and 1457; specifications components are used to specify conditions which must be satisfied prior to the right being exercised; see column 18, lines 1-5; where the usage rights statements are not readily readable, but must be interpreted by repositories to determine what transactions can be successfully carried out for a digital work); and

a load module body, including;

executable programming specifying that the information relating to a use of the load module be communicated to a remote site (see column 29, lines 60-61 and column 30, lines 23-26; an End-charges transaction to end a charge for metered use involves a repository send periodic charge information to a credit server for each block of time); and

a reference to data, at least some of the data being associated with or used by the executable programming (see column 30, lines 10-22; a Begin-charges transaction containing usage fee information and a list of charges from parts of the digital work).

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As per claim 122, Stefik further specifies:

a level or degree of security present or available on the platform (see column 15, line 55 – column 16, line 39; TABLE 2; REPOSITORY SECURITY LEVELS).

As per claim 123, Stefik additionally points out:

the type of hardware (see column 19, lines 47-58; figure 15, item 1504; Grammar element “Render-Code: = [Play:{Player:Player-ID} or [Print:{Printer:Printer-ID}]]” indicating the device that would execute the play and/or print application).

As per claim 124, Stefik next mentions:

the type of software running on the platform (see column 19, lines 47-58; figure 15, item 1504; Grammar element “Render-Code: = [Play:{Player:Player-ID} or [Print:{Printer:Printer-ID}]]” indicating the code required for the play and/or print application).

As per claim 125, Stefik moreover admits:

one or more computer languages recognized by the platform (see column 3, lines 52-61; where the hardware platform can accommodate different software that is metered during usage).

As per claim 126, Stefik discloses a load module comprising:

a first load module and a second load module (see column 34, lines 39-67; one for a copy transaction; see column 37, lines 1-40; the other for a print transaction), each load module comprising:

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a load module header including a public portion and a private portion (see column 18, lines 25-26; figure 14; the basic contents of a right including a transactional component and specification component);

the public portion including identification information (see column 18, lines 25-34; figure 14, items 1450 and 1451; a label (e.g. COPY or PRINT));

the private portion including at least one correlation tag including information used to determine whether a method has authorization to call or load the load module (see column 18, lines 35-42; figure 14, items 1452, 1453, 1454, 1455, 1456, and 1457; specifications components are used to specify conditions which must be satisfied prior to the right being exercised; see column 18, lines 1-5; where the usage rights statements are not readily readable, but must be interpreted by repositories to determine what transactions can be successfully carried out for a digital work) and information on the stack size (see column 16, lines 17-21; in Repository Security Level 3, execution of the works as programs, the repository runs them in their own address space and does not give them access to any file storage or other memory); and

a load module body, including;

executable programming specifying that the information relating to a use of the load module be communicated to a remote site (see column 29, lines 60-61 and column 30, lines 23-26; an End-charges transaction to end a charge for metered use involves a repository send periodic charge information to a credit server for each block of time); and

a reference to data, at least some of the data being associated with or used by the executable programming (see column 30, lines 10-22; a Begin-charges transaction containing usage fee information and a list of charges from parts of the digital work).

As per claim 127, Stefik discloses a load module comprising:

a first load module and a second load module (see column 34, lines 39-67; one for a copy transaction; see column 37, lines 1-40; the other for a print transaction), each load module comprising:

a load module header including a public portion and a private portion (see column 18, lines 25-26; figure 14; the basic contents of a right including a transactional component and specification component);

the public portion including identification information (see column 18, lines 25-34; figure 14, items 1450 and 1451; a label (e.g. COPY or PRINT));

the private portion including at least one correlation tag including information used to determine whether a method has authorization to call or load the load module (see column 18, lines 35-42; figure 14, items 1452, 1453, 1454, 1455, 1456, and 1457; specifications components are used to specify conditions which must be satisfied prior to the right being exercised; see column 18, lines 1-5; where the usage rights statements are not readily readable, but must be interpreted by repositories to determine what transactions can be successfully carried out for a digital work) and an access tag made up of at least two fields, each of which can be accessed and used separately (see column 18, lines 14-18; a purchaser may choose between two PRINT rights assigned by the creator: a right to make 5 copies for \$10.00 or a right to make unlimited copies for \$100.00); and

a load module body, including;

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executable programming specifying that the information relating to a use of the load module be communicated to a remote site (see column 29, lines 60-61 and column 30, lines 23-26; an End-charges transaction to end a charge for metered use involves a repository send periodic charge information to a credit server for each block of time); and

a reference to data, at least some of the data being associated with or used by the executable programming (see column 30, lines 10-22; a Begin-charges transaction containing usage fee information and a list of charges from parts of the digital work).

As per claim 128, Stefik illustrates a computer processing system comprising:

a component assembler which assembles a plurality of elements into a component (see column 30, lines 38-62; processing a usage request to print or view one or multiple digital works under particular conditions), including;

a validator used to validate the elements (see column 31, lines 1-6; it is necessary to verify that the requirements are met for ALL of the parts that are involved in a transaction including checking for each of the relevant parts of the work), including:

a tag checker used to check the identity and validity of elements by comparing tags incorporated in the elements to expected values (see column 31, lines 32-37; figure 18, step 1806; comparing the time specification of the work with the current time; see column 31, lines 49-53; figure 18, step 1808; checking if the copy count equals zero; see column 31, lines 54-57; figure 18, step 1809; checking the copies in use for the requested right is greater than or equal to any copy count for the requested right); and

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an object switch coupled to the component assembler (see column 31, lines 32-57; figure 18, steps 1805, 1806, 1808, and 1809; the server controls the rights associated with the digital work in accordance with different conditions being satisfied), including:

(a) a stream router that communicates component assemblies (see column 7, lines 62-67; figure 2, items 201, 205, and 203; communication between repositories concerning access to digital works utilizing a repository transaction protocol);

(b) one or more stream interfaces coupled to the stream router (see column 7, lines 62-67; figure 2, items 201, 205, and 203; communication between repositories concerning access to digital works utilizing a repository transaction protocol);

(c) a container manager to manage secure containers (see column 7, lines 59-62; figure 2, item 201; when in server mode, the repository is an exchange medium for digital works; see column 8, lines 43-50; figure 4a, items 401, 402, and 403; including a boundary at a security level to provide physical integrity and security for the digital work);

(d) an object switch interface that interfaces the object switch with the component assembler (see column 7, lines 62-67; figure 2, items 201, 205, and 203; communication between repositories concerning access to digital works utilizing a repository transaction protocol); and

a communications module which communicates a unique identifier of the computer processing system and user of the computer processing system to a remote locations (see column 30, lines 1-5; Registration and LOGIN transactions by which the repository and user establish their bona fides to a credit server).

***Claim Rejections - 35 USC § 103***

18. Claims 108-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik, U.S. Patent No. 5,715,403 A as applied to claim 96 above, and further in view of Dolphin, U.S. Patent No. 5,457,746 A.

As per claim 108, Stefik teaches the operating system of claim 96. However, he does not explicitly disclose a secure e-mail management program. Dolphin illustrates:

e-mail management programming (see column 11, lines 19-21; figure 13, step 81; the user develops and signs an electronic mail request for a key and sends it to a billing/access center).

Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the operating system of Stefik with the e-mail management program of Dolphin for the user to obtain a key via e-mail from the billing/access center to access an encrypted CD-ROM (see column 11, lines 21-23; figure 13, step 82).

As per claim 109, Dolphin additionally specifies:

Secure e-mail management programming which recognizes and controls secure e-mail or secure e-mail attachments (see column 11, lines 19-21; figure 13, step 81; the user develops and signs an electronic mail request for a key and sends it to a billing/access center).

Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the operating system of Stefik with the e-mail

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management program of Dolphin for the billing/access center to authenticate the user before sending a key to him (see column 11, lines 21-23; figure 13, step 82).

As per claim 110, Dolphin also elaborates:

Routing secure e-mail and secure e-mail attachments to a secure memory location (see column 11, lines 19-21; figure 13, step 81; the user develops and signs an electronic mail request for a key and sends it to a billing/access center).

Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to combine the operating system of Stefik with the e-mail management program of Dolphin for the billing/access center to authenticate the user before sending a key to him (see column 11, lines 21-23; figure 13, step 82).

### ***Telephone Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin T. Darrow whose telephone number is (703) 305-3872 and whose electronic mail address is [justin.darrow@uspto.gov](mailto:justin.darrow@uspto.gov). The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón, Jr., can be reached at (703) 305-1830.

The fax numbers for Formal or Official faxes to Technology Center 2100 are (703) 305-0040 and (703) 872-9306. Draft or Informal faxes for this Art Unit can also be submitted to (703) 746-7240. In order for a formal paper transmitted by fax to be entered into the application

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file, the paper and/or fax cover sheet must be signed by a representative for the applicant. Faxed formal papers for application file entry, such as amendments adding claims, extensions of time, and statutory disclaimers for which fees must be charged before entry, must be transmitted with an authorization to charge a deposit account to cover such fees. It is also recommended that the cover sheet for the fax of a formal paper have printed "**OFFICIAL FAX**". Formal papers transmitted by fax usually require three business days for entry into the application file and consideration by the examiner. Formal or Official faxes including amendments after final rejection (37 CFR 1.116) should be submitted to (703) 872-9306 for expedited entry into the application file. It is further recommended that the cover sheet for the fax containing an amendment after final rejection have printed not only "**OFFICIAL FAX**" but also "**AMENDMENT AFTER FINAL**".

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

September 22, 2003



**JUSTIN T. DARROW  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2100**